



Public Hearing – March 10, 2023
Environment Committee

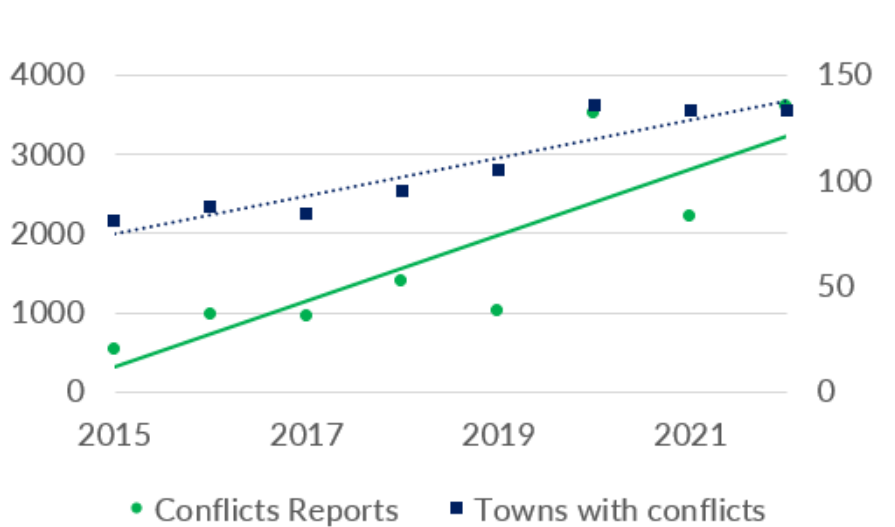
Testimony Submitted by Commissioner Katie S. Dykes

Senate Bill No. [1148](#) – An Act Authorizing Certain Killing and Hunting of Black Bear and Prohibiting Bird Feeders and Other Unintentional and Intentional Feeding of Potentially Dangerous Animals

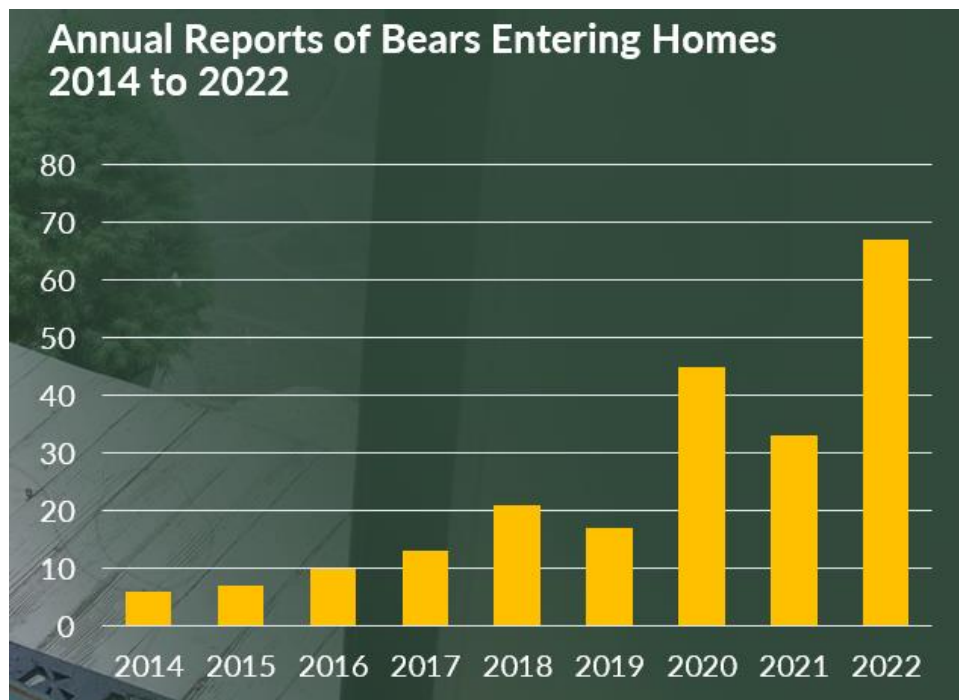
Thank you for the opportunity to present testimony on this bill. The purpose of this bill is to establish permits to take bears that damage crops, livestock, or bees; to justify the use of deadly force against a bear that is inflicting or is about to inflict great bodily harm to a human, is injuring or killing a pet; or is entering an occupied building; to provide for an annual bear hunt season in Litchfield County by lottery; and to prohibit the intentional and unintentional feeding of potentially dangerous animals.

The Department of Energy and Environmental Protection (DEEP) appreciates the Committee raising sections of this proposal at the agency's request and **supports** this bill with some suggested modifications. This bill provides necessary and proven tools to increase public safety by reducing bear-human conflicts, bear-home entries, and bear attacks.

DEEP has a robust reporting tool and has collected years of data that demonstrates a concerning increase in human-bear conflicts in the state. The chart below shows reported conflicts have more than doubled from less than 1000 in 2015 to well over 2,000 conflicts reported in 2022. The chart also illustrates human-bear conflicts are expanding geographically to include more towns.



Not only are human-bear conflicts increasing, but also conflicts are becoming more severe as demonstrated by the two bear attacks that occurred in CT this year as well as the steep rise in bears entering homes – increasing ten-fold between 2015 and 2022.



We will continue to work with our many local partners and Connecticut residents to remind residents how to live with bears and prevent conflicts. Public education is critical to preventing further bear conflicts in areas such as Eastern Connecticut, where conflicts are currently minimal. DEEP will be working with a marketing agency to continue to educate the public on

how to safely live with bears. However, DEEP does not believe that public education alone will reduce human-bear conflicts to levels similar to what they were 5-10 years ago.

Connecticut is fortunate to have prime habitat to support the reestablishment of a black bear population. Bears are a native species in Connecticut and are a valuable part of the ecosystem. Connecticut is the 14th most forested state in the country and the 4th most densely populated, meaning many people live in or near bear habitat. DEEP expects the bear population to continue growing in Connecticut – especially in the eastern half of the state. The following strategies will reduce the number of human bear conflicts, prevent further human-bear conflicts, and better prepare humans and bears to co-exist safely.

Section 1. Depredation permits

The Department supports the proposed modification to C.G.S. 26-47 as drafted and agrees that prior to issuance of any permits, the applicant must have attempted reasonable, non-lethal efforts to prevent the damage. DEEP controls the disposal of any animals taken by permit, which empowers the Department to prevent landowners from using the permit system as a work-around for hunting. The Department has similar programs in place for other species causing damage to agriculture, livestock, and apiaries, and those programs have proven successful for many years.

Section 2. Bear hunt

The Department **supports** the establishment of an ethical and “fair chase” bear hunt with a goal of reducing human-bear conflicts. DEEP also supports harvest limits for any potential bear hunt to ensure an ongoing healthy bear population throughout the state.

The Department therefore supports the general concept outlined in proposed changes to 26-80a, but has some concerns and suggestions.

- While the bill designates Litchfield County, parts of Hartford County often have higher levels of bear-human conflicts than does Litchfield County. A lottery tied to a county boundary will not be effective or correspond to best management practices.
- We recommend that the bill require DEEP to establish designated bear management zones. Creating zones would allow laws and harvest limits to be tailored regionally across the state and would create flexibility to address future trends in human-bear conflicts. Zone management would also make compliance and enforcement easier for areas (such as state forests or wildlife management areas) that may straddle county lines. The zone management approach would also create consistency with how hunting is managed for other species such as white-tailed deer and turkey.
- We suggest utilizing a quota system for the harvest rather than a lottery. Under a quota system, the hunt is closed once the annual harvest goals are met. Harvests from a lottery system are more unpredictable because they are directly influenced by the number of permits in the lotter and the relative harvest rates. We also strongly recommend that the harvest limit be addressed in regulation rather than statute. This provides the ability to

better align harvest limits with data to find the appropriate balance between conflict reduction and bears harvested.

Section 2. Defense of self and pets

Connecticut needs clear, fair and responsible law that clarifies what actions an individual can take when being threatened or attacked by a bear. The Department **supports** the language proposed as new subdivisions 26-80a(c) and (d). Given the increasing numbers and intensity of bear-human conflicts, this statutory clarification is needed more than ever.

The Department suggests amending the language of subsection (c) to make clear that this bill provides a justification, drawing on CGS, Sec. 53a-19, which provides a justification for self-defense against another person. The bill could read, therefore: “(c) Nothing in this section shall be construed to prevent any person from **being justified in** using deadly physical force . . .” (suggested language in bold).

Section 3. Feeding ban

The Department **supports** the proposed modification to C.G.S. 26-25a, which will help prevent further increasing the wildlife-human conflicts that occur when dangerous animals, such as black bears, become habituated and associate people with food through intentional and unintentional feeding. The 67 home entries in 2022 occurred because bears have learned to associate our homes with food sources – creating dangerous situations for both bears and people. When bears routinely forage on human-sourced food, they can develop bold or aggressive behavior which can lead to bears entering homes in search of food, attacks on pets and livestock, and even direct threats to or attacks on people.

DEEP has received many questions related to this feeding ban, including the following: Does this bill make it illegal to feed birds? Is putting your trash in an unsecured container going to get you a hefty fine? Is leaving a dish of dog food out on the back porch a misdemeanor? The answer is no, on all counts. This bill would require an officer to issue a written notice before issuing an infraction for unintentional feeding – providing residents with an opportunity to fix any specific unintentional feeding issue before they violate this provision.

Without a provision for unintentional feeding, this bill would be practically impossible to enforce because someone could avoid an intentional feeding infraction by simply claiming they were feeding other wildlife. Fines for both intentional and unintentional feeding would be \$75.00.

The bill provides ample opportunity for further public comment, engagement and outreach through the regulations process. Once enacted, DEEP would begin with education and awareness before strict enforcement, especially related to unintentional feeding. In obvious instances of intentional feeding (which do occur), DEEP may issue an infraction that indicates the seriousness of this behavior and its impact on public safety.

We welcome the opportunity to work with the committee to address the specific aspects of the bill noted above. Thank you for the opportunity to present testimony on this proposal. Should you have any questions, please do not hesitate to contact Harrison Nantz at Harrison.Nantz@ct.gov.

